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June 6, 2006

BY ELECTRONIC FILING

The Honorable Kent A. Jordan
United States District Court
844 North King Street
Wilmington, DE 19801

Re: *Biovail v. Andrx Pharmaceuticals LLC et al.*,
Civil Action Nos. 05-586 (KAJ) (Consolidated)

Dear Judge Jordan:

The parties submit this joint interim status report pursuant to this Court's March 1, 2006 Scheduling Order. (D.I. 59).

The parties have exchanged and responded to written discovery requests, including requests for the production of documents and interrogatories. The parties expect that there may be additional documents produced in response to follow up requests. In addition, the parties have agreed to supplement the FDA correspondence for their respective diltiazem tablet products every two months.

The parties are in the midst of taking fact depositions. To date, Biovail has taken the depositions of three Andrx employees, and a former Andrx employee. Biovail has depositions of three Andrx employees remaining. Andrx has taken the depositions of two Biovail employees, and two former Biovail employees, and is taking the deposition of a Biovail employee today, June 6, 2006. Andrx has depositions of two Biovail employees remaining, as well as a deposition of a third-party inventor of the patent-in-suit, Mr. Baudier of Brussels.

The Court addressed the deposition of Mr. Baudier during the last conference and instructed Biovail to contact him and attempt to obtain his voluntary appearance. Biovail has done so and has informed Andrx that Mr. Baudier will not appear voluntarily for deposition. Belgium is not a signatory to the Hague Convention. Accordingly, Andrx is preparing Letters Rogatory for the Court to execute. It is Andrx's position that Mr. Baudier's deposition is needed discovery in this case, and depending on when Mr. Baudier's deposition can be taken, Andrx might seek an extension of the fact discovery deadline for this deposition.

The Honorable Kent A. Jordan
June 6, 2006
Page 2

Pursuant to the Scheduling Order, expert reports are due by June 23, 2006, rebuttal expert reports are due by August 11, 2006, and discovery closes September 5, 2006.

At this time, Biovail does not contemplate any changes to the case schedule. As stated above, it is Andrx's position that if Mr. Baudier's deposition is delayed because of the need to proceed formally abroad, Andrx should be permitted to take that deposition outside the current deadline for fact discovery. Andrx does not contemplate any other changes to the case schedule.

Respectfully,

/s/ Jack B. Blumenfeld

Jack B. Blumenfeld

JBB/bls

cc: Peter T. Dalleo, Clerk (By Hand)
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